

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

*In re* Flint Water Cases.

Judith E. Levy  
United States District Judge

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This Order Relates To:

ALL CASES

\_\_\_\_\_/

**ORDER REGARDING MATTERS DISCUSSED AT THE MARCH  
11, 2020 STATUS CONFERENCE**

The Court held a status conference regarding its pending Flint water litigation on March 11, 2020. The Court now orders as follows:

**I. *In re* Flint Water Cases, Third Amended Case  
Management Order**

The Court will enter a Third Amended Case Management Order (CMO) following this conference. The CMO will incorporate several recently ordered amendments including the parties' proposal for the next round of bellwether selection and adjustments to the class certification motion schedule.

**II. Motions to Dismiss in Individual Cases**

The Court set a briefing schedule for MDEQ Defendants' motions to dismiss individual Short Form Complaints in the following cases: *Mahan v. Snyder*, Case No. 19-cv-12665 (ECF No. 13); *Davidson v. Snyder*, Case No. 19-cv-12675 (ECF No. 13); *Cole v. Snyder*, Case No. 19-cv-12709 (ECF No. 11); *Langston v. Snyder*, Case No. 19-cv-12878 (ECF No. 11); and *Shields v. Snyder*, Case No. 19-cv-12882 (ECF No. 12.)

Responses to these motions to dismiss are due on March 25, 2020 and any replies are due on April 8, 2020. The Court will address these motions at the next status conference.

### **III. Amendment to the Order Appointing Facilitative Mediators**

The Court hereby amends the Order Appointing Facilitative Mediators (ECF No. 324) by setting aside the fee schedule for the fourth quarter of 2019.<sup>1</sup> Any disputes regarding compensation, costs and

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<sup>1</sup> The Order currently establishes a fifty/fifty fee split between Plaintiffs and Defendants:

Interim co-lead class counsel and individual liaison counsel will pay one-half of all hourly rates, expenses, and costs, and defense counsel will pay one-half of all hourly rates, expenses, and costs incurred by the Mediators. Any disputes regarding compensation, costs and expenses, or the allocation of payment of such fees and costs among the parties, will be brought to the Court's attention.  
(ECF No. 324, PageID.11692.)

expenses, or the allocation of payment of such fees and costs among the parties, will be brought to the Special Master for decision, or for her to prepare a report and issue recommendations to the Court. (See ECF No. 544.)

#### **IV. Telephonic Discovery Conferences**

The following dates are set for telephonic discovery conferences as needed: Wednesday, March 18, 2020 at 3:00pm and Wednesday April 8, 2020 at 2:00pm.<sup>2</sup>

#### **V. Scheduling of Next Status Conference**

The next status conference will be held on **Wednesday, April 15, 2020** at **3:00pm** in Ann Arbor, Michigan. Parties are to file proposed agenda items in Case No. 16-cv-10444 by April 1, 2020. Individual liaison counsel should collect proposed agenda items from all counsel representing individual plaintiffs and submit those proposed items as a single filing. The Court will issue an agenda by April 8, 2020.

IT IS SO ORDERED.

Dated: March 12, 2020  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

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<sup>2</sup> Please note the date and time changes from those listed in the earlier issued Agenda for the March 11, 2020 Status Conference. (ECF No. 1076.)

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on March 12, 2020.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager